

# EXHIBIT C

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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5 IN RE: PROCESSED EGG PRODUCTS : MDL NO. 2002  
ANTITRUST LITIGATION 08-MDL-02002

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9 PHILADELPHIA, PA

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11 JUNE 5, 2018  
DAY TWENTY-ONE

12

13 BEFORE: THE HONORABLE GENE E.K. PRATTER, J.

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TRIAL TRANSCRIPT

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21 KATHLEEN FELDMAN, CSR, CRR, RPR, CM  
Official Court Reporter  
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(Transcript produced by mechanical shorthand via C.A.T.)

1               Other factors that you might consider in determining  
2 whether the Defendants and their alleged coconspirators have  
3 market power include barriers to entry into the egg market for  
4 potential competitors, the threat of substitute products for  
5 eggs, outside competitors who were not part of the alleged  
6 conspiracy, and the percentage of the market covered by the  
7 alleged members of the conspiracy.

8               If the Defendants and their alleged coconspirators  
9 do not possess a substantial market share, it is less likely  
10 that the Defendants and their alleged coconspirators possessed  
11 market power.

12               If they do not possess market power, then it's less  
13 likely that the challenged restraints have resulted in a  
14 substantial harmful effect on competition in the market.

15               On the other hand, if you were to conclude that the  
16 Defendants and their alleged coconspirators possessed market  
17 power, you could conclude that it is more likely that the  
18 challenged restraints have resulted in a substantial harmful  
19 effect on competition in the market.

20               If you find that the Direct Purchaser Plaintiff  
21 Class has proven that the challenged restraints resulted in  
22 substantial harm to competition in a relevant market, then you  
23 must determine whether the restraints also benefits  
24 competition in other ways.

25               In considering whether the challenged restraints

1 benefitted competition, you may consider various factors,  
2 including, but not limited to, whether the challenged  
3 restraints were demanded by customers, increased production,  
4 decreased prices, or improved product quality. If you find  
5 that the challenged restraints do result in competitive  
6 benefits, then you must also consider whether the restraints  
7 were reasonably necessary to achieve the benefits.

8               If the Direct Purchaser Plaintiff Class proves that  
9 the same benefits could have been readily achieved by other  
10 reasonably available alternative means that create  
11 substantially less harm to competition, then they could not be  
12 used to justify the restraints.

13               If you find that the challenged restraints were  
14 reasonably necessary to achieve competitive benefits, then you  
15 must balance those competitive benefits against the  
16 competitive harm resulting from the same restraints.

17               If the competitive harm substantially outweighs the  
18 competitive benefit, then the challenged restraints are  
19 unreasonable. If the competitive harm does not substantially  
20 outweigh the competitive benefits, then the challenged  
21 restraints are not unreasonable.

22               In conducting this analysis, you must consider the  
23 benefits and the harm to competition and to consumers. The  
24 Direct Purchaser Plaintiff Class bears the burden of proving  
25 that the anticompetitive effect of the conduct substantially